

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF EMPIRE STATE CARPENTERS
ANNUITY, APPRENTICESHIP, LABOR-
MANAGEMENT COOPERATION, PENSION and
WELFARE FUNDS,

Plaintiffs,

MEMORANDUM & ORDER
12-CV-6314 (JS) (ARL)

-against-

IDEMA GENERAL CONTRACTORS, INC.,

Defendant.

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APPEARANCES

For Plaintiffs: Charles R. Virginia, Esq.
Richard B. Epstein, Esq.
Virginia & Ambinder LLP
111 Broadway, Suite 1403
New York, NY 10006

For Defendant: No appearances.

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge Arlene R. Lindsay's Report and Recommendation ("R&R"), issued on August 8, 2013. For the following reasons, the Court ADOPTS this R&R in its entirety.

BACKGROUND

Plaintiffs commenced this action on December 21, 2012, seeking to confirm two arbitration awards entered in favor of Plaintiffs and against Defendant. Defendant did not answer or otherwise appear in this action. Plaintiffs requested a certificate of default on February 11, 2013 (Docket Entry 5), which

was entered by the Clerk of the Court that same day (Docket Entry 6). On February 19, 2013, Plaintiffs moved for default judgment and an award of damages (Docket Entry 7), and, on February 21, 2013, the Court referred Plaintiffs' motion to Judge Lindsay (Docket Entry 9).

On August 8, 2012, Judge Lindsay issued an R&R recommending that a default judgment be entered: (1) confirming the arbitration awards in the amounts of \$179,403.34 and \$10,889.82; (2) awarding an additional \$286.10 in interest; and (3) awarding attorneys' fees and costs in the amount of \$1,625.86

No party has objected to any portion of Judge Lindsay's R&R.

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Here, no party objected to Judge Lindsay's R&R. And the Court finds her R&R to be correct, comprehensive, well-reasoned and free of any clear error. Accordingly, the Court ADOPTS it in its entirety.

CONCLUSION

Judge Lindsay's R&R is ADOPTED in its entirety, and Plaintiffs' motion for default judgment is GRANTED. Plaintiffs are hereby awarded a default judgment against Defendant in the amount of \$192,205.12, broken down as follows:

- (1) \$190.293.16 confirming the arbitration awards;
- (2) \$286.10 in interest; and
- (3) \$1,625.86 in attorneys' fees and costs.

The Clerk of the Court is directed to enter a Judgment consistent with this Memorandum and Order and to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: September 3, 2013
Central Islip, NY